Doc #5024

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MEMORANDUM **March 24, 1988**

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: RICARDO A. MILLETT, ASSISTANT DIRECTOR
FOR NEIGHBORHOOD HOUSING AND DEVELOPMENT
IVY DILWORTH, PROJECT MANAGER

SUBJECT: SOUTH END URBAN RENEWAL AREA, PROJECT NO. MASS. R-56
CONFIRMATORY TAKING FOR REUSE PARCELS SE-58, SE-117
AND SE-118, LOCATED AT 1134-40 WASHINGTON STREET AND
14-24 AND 28-34 FAY STREET, RESPECTIVELY

EXECUTIVE SUMMARY: To insure the Authority can convey good title unencumbered by any claim. This Order of Taking does not involve the acquisition of Land nor award of damages.

On February 11, 1988, Hub Building Realty Trust received final designation as redeveloper of Re-use Parcel SE-58, located at 1134-40 Washington Street and 97-107 East Berkeley Street, and Re-use Parcels SE-117 and SE-118 located at 14-24 and 28-34 Fay Street, respectively, vacant lots located at the rear of the building. The structure at 1134-40 Washington Street is a four-story brick commercial mercantile building on 8,366 square feet of land; the Fay Street lots total approximately 4094 square feet of vacant land. The terms of the Final Designation require Hub to act as turnkey developer on its own behalf and on rehabilitate the building into ground floor retail space, second floor artists' live/work units, and to provide 14 off-street parking spaces for use by building occupants.

HUB consists of Milton Kamenides, owner of Dover Bargain Store, Inc. d/b/a Harry the Greek's a tenant on the ground floor of the building since 1980; and Bernard Potischman and Joseph Proman, owners of Proman Manufacturing, Inc., a tenant on the second floor of the building since approximately 1944.

It is desired to make an Order of Taking of the above parcels SE-58, SE-117 and SE-118 in order to ensure that the Authority holds and can convey good title, unencumbered by any claim which might otherwise be asserted against the property.

This Order of Taking is requested for title perfection purposes only and does not involve the acquisition of any additional land or the award of any additional damages.

I, therefore, recommend that the Authority, adopt the appropriate Order of Taking regarding the above Parcels SE-58,SE-117 and SE-118 in the South End Urban Renewal Area.

VOTED: That the Authority hereby adopts a Confirmatory Order of Taking, confirming title to Parcels Se-58, SE-117 and SE-118 in the South End Urban Renewal Area.

SE-58/1134-1140 Washington
97-107 East Berkeley Sts.
SE-117/14-24 FAY STREET
SE-118/28-34 FAY STREET
SE-96
SE-97
SE-84
SE-81
SE-66
SE 59
SE-65
TO
SE-60
SE-98
P-17
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31A-2
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VOTED AT
3/24/88
BD MTG

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated MAR 23 1988 relating to portions of the SOUTH END URBAN RENEWAL AREA, MASS. R-56, be executed together with a plan entitled, "Boston Redevelopment Authority, South End Urban Renewal Area, Project Mass. R-56, Boston, Suffolk County, Massachustts, Delivery Parcel Plan, Parcels SE-117 and SE-118, dated February, 1988," and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty
Clarence J. Jones
Michael F. Donlan

A true copy

Attest: Kane Simonian
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G. L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, an ORDER OF TAKING, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, s. 40.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of said c. 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the rights to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: MAR 23 1982

BOSTON REDEVELOPMENT AUTHORITY
By:

ATTEST:

Secretary of the Boston Redevelopment Authority

Approved as to Form:

Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcels of land are to be taken by this Order of Taking:

PARCEL SE-58 (1134-1140 Washington Street)

A certain parcel of land with the buildings thereon situated at the corner of Washington and Dover Streets, in the city of Boston, containing 8,366 square feet of land, as shown on a Plan by S. L. Leftovith, Surveyor, dated September 30, 1916, duly recorded with Suffolk Deeds and bounded and described as follows:

NORTHWESTERLY:	on Washington Street Sixty-seven and 9/100 (67.09') feet;
NORTHEASTERLY:	on Dover Street, One Hundred Nineteen and 78/100 (119.78') feet;
SOUTHEASTERLY:	on Fay Street, Seventy-one and 90/100 (71.90') feet; and
SOUTHWESTERLY:	by land now or formerly of James J. Shea, et al, Trustees under the will of John Shea by three lines measuring in all, Eighty and 50/100 (80.50') feet;
NORTHWESTERLY	again on said land now or formerly of James J. Shea, et al., Trustees as aforesaid, Two (2) feet;
SOUTHWESTERLY:	again on said land now or formerly of James J. Shea, et al, Trustees as aforesaid, Thirty-nine and 43/100 (39.43') feet.

PARCEL SE-117 (14-24 Fay Street) and PARCEL SE-118 (28-34 Fay Street).

These parcels contain approximately 4,141 square feet of land, and are shown on a plan entitled, "Boston Redevelopment Authority, South End Urban Renewal Area, Project Mass. R-56, Boston, Suffolk County, Massachusetts, Delivery Parcel Plan, Parcels SE-117 and SE-118, dated February, 1988," and prepared by Maguire Group, Inc., Waltham, Massachusetts, which Plan is recorded herewith.

The owners of the parcels hereby taken are unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.